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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR     | ATTORNEY DOCKET NO.          | CONFIRMATION NO.       |
|---|-------------|--------------------------|------------------------------|------------------------|
| 10/755,540  | 01/12/2004  | Alvaro Sanchez-Cifuentes | AUS920031028US1              | 1317                   |
| 35525   | 7590        | 07/05/2007               |                              |                        |
| IBM CORP (YA)<br>C/O YEE & ASSOCIATES PC<br>P.O. BOX 802333<br>DALLAS, TX 75380 |             |                          | EXAMINER<br>LEMMMA, SAMSON B |                        |
|   |             |                          | ART UNIT<br>2132             | PAPER NUMBER           |
|   |             |                          | MAIL DATE<br>07/05/2007      | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                               |   |  |
|------------------------------|-------------------------------|---|--|
| <b>Office Action Summary</b> | Application No.<br>10/755,540 | Applicant(s)<br>SANCHEZ-CIFUENTES, ALVARO |  |
|                              | Examiner<br>Samson B. Lemma   | Art Unit<br>2132                          |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/12/04</u> | 6) <input type="checkbox"/> Other: _____  |

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### ***DETAILED ACTION***

1. This is in reply to application filed on January 12, 2004. Claims 1-20 have been examined.

### ***Priority***

2. This application does not claim priority of any application. Therefore, the effective filing date for the subject matter defined in the pending claims of this application is **January 12, 2004**.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-8 and 10-17** are rejected under 35 U.S.C. 102(b) as being anticipated by Young (hereinafter referred to as **Young**) (U.S. Patent No. 5,382,962, January 17, 1995)

5. **As per independent claim 1 Young** discloses a portable data processing system **[figure 1]**, comprising:

**A chassis base unit with a hand impression disposed on a bottom surface of the chassis base unit** [See figure 1, ref. Num 2-4 and abstract] (A handle/controlle 3 consisting of a gripping handle of suitable shape as to conform to the hand and attached to a base unit 2 of the same and containing on either side a ball in socket or "cursor ball" 5L and a pressure switch or "action switch" 6L; a two position left/right switch 8.); and

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**A chassis cover unit [figure 1, ref. Num 1] pivotably fastened to the chassis base unit [Figure 1, ref. Num 2] (As any laptop, the chassis cover unit shown on figure 1, ref. Num "1" is pivotably fastened to the chassis base unit.)**

**6. As per independent claim 10 Young discloses a portable data processing system [figure 1], comprising:**

**A chassis base unit having a first partial hand impression disposed on a bottom surface of the chassis base unit; [See figure 1, ref. Num 2-4 and abstract] (A handle/controlle 3 consisting of a gripping handle of suitable shape as to conform to the hand and attached to a base unit 2 of the same and containing on either side a ball in socket or "cursor ball" 5L and a pressure switch or "action switch" 6L; a two position left/right switch 8.); and**

**A chassis cover unit [figure 1, ref. Num 1] pivotably attached to the chassis base unit [Figure 1, ref. Num 2] (As any laptop, the chassis cover unit shown on figure 1, ref. Num "1" is pivotably fastened/attached to the chassis base unit.)**

**Wherein the chassis cover unit has a second partial hand impression disposed on a top surface of the chassis cover unit. [See the abstract and figure 1] (A handle/controlle 3 consisting of a gripping handle of suitable shape as to conform to the hand and attached to a hand held computer 1/chase cover unit or a base unit 2 of the same and containing on either side a ball in socket or "cursor ball" 5L and a pressure switch or "action switch" 6L; a two position left/right switch 8)**

**7. As per claims 2-8 and 11-17 Young discloses a portable data processing system [figure 1] as applied to claims above. Furthermore Young discloses the method, wherein the hand impression further includes a hand shaped**

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**imprint disposed on the bottom surface of the chassis base unit.** [See figure 1-3, and figure 1 and 2, ref. Num 2-4 and abstract] *(A handle/controlle 3 consisting of a gripping handle of suitable shape as to conform to the hand, and attached to a base unit 2; and this gripping handle of suitable shape as to conform to the hand and attached to a base unit 2 meets the limitations recited in the claims.)*

### **Claim Rejections - 35 USC § 103**

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains: Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 9 and 18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (hereinafter referred to as **Young**) (U.S. Patent No. January 17, 1995) in view of Holehan (hereinafter referred to as **Holehan**) (U.S. Patent No. 6, 337,918) (date of patent: January 8, 2002)

10. **As per claims 9 and 18-20 Young discloses** a portable data processing system [figure 1], comprising:

**A chassis base unit with a hand impression disposed on a bottom surface of the chassis base unit** [See figure 1, ref. Num 2-4 and abstract] *(A handle/controlle 3 consisting of a gripping handle of suitable shape as to conform to the hand and attached to a base unit 2 of the same and containing on either side a ball in socket or "cursor ball" 5L and a pressure switch or "action switch" 6L; a two position left/right switch 8.) ; and*

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**A chassis cover unit [figure 1, ref. Num 1] pivotably fastened to the chassis base unit [Figure 1, ref. Num 2]** *(As any laptop, the chassis cover unit shown on figure 1, ref. Num "1" is pivotably fastened to the chassis base unit.)*

**Young** does not explicitly teach that the portable data processing system of claim 1, further comprising: a memory that contains a set of instructions and a fingerprint data memory; a biometric input device, responsive to contact by a user, for generating biometric data; and a processing unit, responsive to execution of the set of instructions, for disabling the data processing system upon determination that the biometric data does not match data stored in the fingerprint data memory.

However, in the same field of endeavor, **Holehan discloses** a personal computer system includes a touchpad having an infrared source and an infrared detector such that said touchpad may implement an infrared fingerprint security system and/or an infrared touchpad for cursor control. The infrared fingerprint security system may provide information necessary to gain access to peripheral storage media. For example, a peripheral storage medium may have a database which contains information about the fingerprints of authorized users such that the storage medium may only be accessed by authorized users in ways permitted for each particular user as indicated in the storage medium itself. A user may input information through a touch sensitive light pen which generates an infrared beam and this meets the limitations recited in the claim.[See abstract and column 1, line 61-column 2, line 67]

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the feature of using a biometric input device generating biometric data and processing this and determining to allow or deny access as per teachings of **Holehan** in to the method as taught by **Young** to provide access control with a reasonable cost. [See Holehan, Abstract, the last 3 lines]

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### **Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.(See PTO-Form 892).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-873-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**SAMSON LEMMA**

**S.L.**  
**06/10/2007**

  
Benjamin E. Lemma  
Examiner DA212